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forthcoming)  
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*Lockheed Martin Corporation*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

LOCKHEED MARTIN CORPORATION,

Plaintiff,

v.

ACEWORLD HOLDINGS PTY LTD.; AMB  
PROPERTY (PROVIDENCE) PTY LTD.;  
IVORYROSE HOLDINGS PTY LTD., as Trustee for  
THE ASHFORTH SUPERANNUATION FUND;  
HOPERIDGE ENTERPRISES PTY LTD., as Trustee  
for the JONES FAMILY TRUST; TFW  
CORPORATE PTY LTD.; KHAKI INVESTMENTS  
PTY LTD.; MARBRUCK INVESTMENTS, LLC;  
MICHAEL F. ASHFORTH; KEMPER B. SHAW;  
and JAMES D. TAYLOR,

Defendants.

Case No. \_\_\_\_\_

**PLAINTIFF'S EX PARTE  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER WITHOUT  
NOTICE AND ORDER TO SHOW  
CAUSE WHY PRELIMINARY  
INJUNCTION SHOULD NOT  
ISSUE**

1 Plaintiff Lockheed Martin Corporation (“Lockheed Martin”) by and through undersigned  
 2 counsel, and pursuant to Federal Rule of Civil Procedure 65 and Civil Local Rules 7-10 and 65-1,  
 3 hereby applies, ex parte, for a temporary restraining order (“TRO”) and order to show cause why a  
 4 preliminary injunction should not issue against Defendants AMB Property (Providence) Pty Ltd.;  
 5 Ivoryrose Holdings Pty Ltd., as Trustee for The Ashforth Superannuation Fund; and Michael F.  
 6 Ashforth (collectively, the “AMB Defendants”); Aceworld Holdings Pty Ltd.; Khaki Investments  
 7 Pty Ltd.; Marbruck Investments, LLC; TFW Corporate Pty Ltd.; Kemper B. Shaw; and James D.  
 8 Taylor (collectively, the “Marbruck Defendants”); and Hoperidge Enterprises Pty Ltd., as Trustee  
 9 for the Jones Family Trust (“Hoperidge”) and their affiliates, officers, directors, shareholders,  
 10 employees, and any other persons who are in active concert or participation with them.

11 In light of the immediate and irreparable harm Plaintiff faces, as explained in its Verified  
 12 Complaint for Declaratory Judgment and Injunctive Relief and its Memorandum of Points and  
 13 Authorities submitted in support of this Application, Lockheed Martin asks this Court to, on an ex  
 14 parte basis and without notice to Defendants:

- 15 (a) Temporarily and immediately enjoin Defendants and any of their affiliates, officers,  
 16 directors, shareholders and employees, whether acting directly or indirectly, from  
 17 filing claims against Lockheed Martin, its affiliates, officers or employees, relating  
 18 to Defendants’ investments in Collinear Networks, Inc. (“Collinear”) in a  
 19 jurisdiction other than one in the United States;
- 20 (b) Temporarily and immediately enjoin Defendants and any of their affiliates, officers,  
 21 directors, shareholders and employees, whether acting directly or indirectly, from  
 22 seeking declaratory or injunctive relief in a foreign forum to limit or foreclose  
 23 Lockheed Martin’s litigation in the United States that the proper forum for any  
 24 dispute with Defendants relating to their investments in Collinear is the United  
 25 States.

26 This Application is based on (1) the accompanying Plaintiff’s Memorandum of Points and  
 27 Authorities in Support of Its Ex Parte Application for a Temporary Restraining Order Without  
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1 Notice and Order to Show Cause Why Preliminary Injunction Should Not Issue (“Memorandum  
2 of Points and Authorities”); (2) the Verified Complaint for Declaratory Relief and Injunctive  
3 Relief; (3) the exhibits thereto, including the Declarations of William Blair and Stanley Gustafson;  
4 (4) the Certification of Counsel Robert A. Van Kirk; (5) the [Proposed] Order; and any other  
5 written or oral evidence or argument presented before or at the time this Application is heard by  
6 the Court.

7 As detailed in its Memorandum of Points and Authorities, Lockheed Martin satisfies the  
8 standard for issuance of a TRO under both the anti-suit injunction test articulated by the Ninth  
9 Circuit in *E. & J. Gallo Winery v. Andina Licores S.A.*, 446 F.3d 984 (9th Cir. 2006), and the  
10 traditional test for preliminary injunctive relief and temporary restraining orders articulated by the  
11 Supreme Court in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008).

12 In addition, as set forth in its Memorandum of Points and Authorities, its Verified  
13 Complaint, and the Certification of Counsel Robert A. Van Kirk, Lockheed Martin should be  
14 granted a TRO without notice to Defendants because notification risks depriving Lockheed Martin  
15 of its ability to seek the relief it requests in this Court. Lockheed Martin has therefore provided  
16 facts that clearly show “that immediate and irreparable injury, loss, or damage will result to  
17 [Lockheed Martin] before the adverse party can be heard in opposition,” as well as counsel’s  
18 certification of the reasons why notice should not be required, in satisfaction of the requirements  
19 of Federal Rule of Civil Procedure 65(b)(1) for ex parte relief. *Ratto Bros. v. Golden Rule*  
20 *Produce, Inc.*, No. 19-CV-01964-LHK, 2019 WL 1644398, at \*2 (N.D. Cal. Apr. 16, 2019)  
21 (quoting Fed. R. Civ. Pro. 65(b)(1)).  
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1  
2 Dated: July 16, 2019

Respectfully submitted,

3  
4 By: /s/ Christine Peek

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